



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

September 15, 2010

Mr. Pat Blankenberger
Blankenberger Brothers, Inc.
11700 Water Tank Road
Cynthiana, Indiana 47602

Dear Mr. Blankenberger:

Re: NPDES General Permit No. ING040243
AML Site 195- Coe Highwall
2.1 miles south of State Road 61 and State Road 64
intersection, south and west along State Road 61
Coe, Indiana
Pike County

This agency has reviewed the request dated August 12, 2010, from Mr. Steven B. Titzer of your offices, on your behalf, for voidance of the above-referenced permit. In this correspondence Mr. Titzer stated that work at the site has been completed and that there will be no further discharge from the site. Our office has confirmed with Mr. Mark Stacy of the Indiana Department of Natural Resources that this is the case. In view of this information our office concurs that a discharge permit is no longer needed.

Therefore, National Pollutant Discharge Elimination System Permit No. ING040243, issued on October 15, 2009, is hereby revoked effective 18 days from the mailing date of this letter.

Any party adversely affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days after the date of mailing of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this voidance or otherwise entitled to review by law. Pursuant to IC 13-15-7-3, this decision shall remain in effect pending a decision on any appeal that has been timely requested under the provisions of IC 4-21.5. The address is:

Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

Mr. Pat Blankenberger
Page 2

You are reminded that any future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge.

If you have any questions regarding this matter, please contact Ms. Sheri L. Jordan of my staff at 317/ 232-8703.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Higginbotham', with a stylized flourish at the end.

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality

Slj/
cc: IDNR Division of Reclamation
Pike County Health Department

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 9D -GP

DATE OF NOTICE: September 15, 2010

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

TERMINATION

AML SITE 195 – COE HIGHWALL, Permit No. ING040243, PIKE COUNTY, Coe, IN. This permit is being terminated because there is no longer a discharge. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



August 12, 2010

Ms. Helen Demmings
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204

**Re: AML Site #195- Coe Highwall Project
NPDES General Permit No. INGO40243**

Dear Ms. Demmings,

I am writing to inform you that the AML Site #195- Coe Highwall Project was completed in March, 2010. We request that the above referenced NPDES General Permit be closed out.

Sincerely,

BLANKENBERGER BROTHERS, INC.

Steven B. Titzer, P. E.
Estimator/ Project Manager

11700 Water Tank Rd.
Cynthiana, IN 47612-9528
(812) 845-2717
FAX (812) 845-2727
"Equal Opportunity Employer"

JORDAN, SHERI

From: Stacy, Mark A
Sent: Tuesday, August 17, 2010 10:57 AM
To: JORDAN, SHERI
Subject: RE: AML Site #195

Sherri,

Yes that project was completed earlier this year, the contractor's final payment is in process and therefore, the permit can be terminated. Thanks – Mark

Mark Stacy, CEP
Indiana Department of Natural Resources
Division of Reclamation
Abandoned Mine Lands Program
14619 West State Road 48
Jasonville, IN 47441-9517
812-665-2207 (Office)
812-699-7966 (Mobile)

From: JORDAN, SHERI
Sent: Tuesday, August 17, 2010 10:33 AM
To: Stacy, Mark A
Subject: FW: AML Site #195

From: JORDAN, SHERI
Sent: Tuesday, August 17, 2010 10:29 AM
To: mstacy@idnr.in.gov
Cc: JORDAN, SHERI
Subject: AML Site #195

Good morning Mark,

I got a letter from Mr. Steven B. Titzer of Blankenberger Brothers saying that AML Site #195, the Coe Highwall Project in Coe, Indiana, Pike County, was completed in March this year. He is requesting that we void their NPDES permit (ING040243). Do you concur?

Thanks, and have a very nice day!

Sheri L. Jordan

General NPDES Permits Coordinator
IDEM Office of Water Quality
100 N. Senate Avenue
Indianapolis, IN 46204-2251

tel: 317/232-8703
fax: 317/232-8637

